P. -
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21.1.53

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1929.

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Previous References (29 .)

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PRESERVED

Later References

P.8
C

General and Revenue Secretariat.

Serial Nos. one

Part B for October 1929.

SUBJECT

Amendment of C.A.C Vol I as regards Port Officers entering into Contracts or agreements.

To. No. 7E 2887 & 20.10.29.

Approves of the amendment suggested by the Comptroller in the above matter

Privileges

400/B Encls: 1 list.

General and Revenue Secretariat

G.2 File No. 2 / of 1929

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Serial No.

G.2 2-4-30
x H. G.

1 Kind reference is invited to Resolution No.F.22-XII.Ex.II/27, dated 12-8-1929 of the Government of India, Finance Department, (Published in the ~~Gazetted~~ Gazette of India dated 17-8-29), enunciating certain fundamental principles for the guidance of authorities who have to enter into contracts or agreements.

2 Para 6A of the Annexure to M.C.A.C. Vol.I, inserted by C.S.No.146, dated 19-9-1928 in accordance with G.O.No.Fl.1499-558 G.F.20-27-4, dated 14-8-1928, refers to some of these principles. It is considered desirable to amend Para 6A in accordance with the Resolution of the Government of India, Finance Department, which lays down the rules in a more clear form. A correction slip to M.C.A.C. Vol.I is accordingly submitted herewith for the approval of Government.

GENL. & REV. 1484/SECT. 27 SEP. 1929 FINANCIAL BRANCH

FINANCIAL SECRETARY 2-S.W/1929 No. 4038.

24-9-29 for Comptroller (absent on leave)

To

The Financial Secretary to the Govt. of Mysore, Bangalore. (with compliments).

3 The library may be asked to furnish a copy of the Gazette of India dt 17-8-29.

4 To the library (with Compts.)

5 Copy of Gazette received & put up

6

Kindly refer to page 12 of G.O.No.Fl 1499-558 G.F.20-27-4 dt 14-8-28 for the existing provision.

7 While apparently the proposed amendment looks like a mere

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te—Contn. Sheet

WD 01684—GPB—30,000—20-4-29

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effective verbal improvement over the existing article. Certain points after mention for consideration.

1) In two places, Clauses 4 & 5, the expression - "Competent financial authority" is used. The term is much too comprehensive & appears to seek to centralise the power in F. Dept. Possibly, the Dept would find it a clear interpretation hard. This has to be clarified.

This has reference to powers of authorities in Br. India under Rules of final powers. The Heads of Depts or Govt. in the Administrative & Financial depts will have to be considered as holding analogous positions here.

5.10.29

2) The Audit Dept (Clause 4) is proposed to be empowered to examine contracts. Under the Madras Audit Rules, the Comptl has powers to question sanctions, rules & orders etc, and the proposed power is well covered by the one already vested in him.

Yes.
5.10.29

3) In the existing article, there is provision to exclude P. W & Jail Depts which have Codes & rules of their own in this behalf. In the proposed amendment there is no such provision and the last Clause of P. 2nd does not altogether serve the purpose. A provision in the direction seems necessary. In some respects, there

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An alternative to that effect would meet the case.

5.10.29

NOTE—Contn. sheet.

WD 066—GPB—30,000—26-7-29

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Serial No.

is not much divergence between the existing article & the proposed amendment. Subs per Addn. of the Comptr be requested to furnish explanation.

8/10.8

Reply. Vide remarks in the margin. As regards points mentioned in subparas (1) & (3) of Fy's note, the proposed alterations in the rules are for approval. Before finally approving the proposals, the case may be referred back to Comptroller to ascertain & define the amendments suggested. The question of previous consent of Comptt Finl Authority & the mode in which such Consent should be expressed whether W.O. or by formal correspondence & its exact scope have to be decided. The proposal to enhancements & preaudit of agreements & minimize later audit objections in the manner of the financial advice tendered by an auditor to the Rly Admn

5.10.29

not-req

FI Secy)

The draft amendments with the few verbal alterations suggested by me may be approved.

1st member) 9/10/29

I agree. The last portion enclosed [I may also be omitted. Where there are no Manuals the principles now laid down will be followed and the question of Compilation of Departmental Manuals need not be considered here 8-10-29

Issue 8/10

NOTE—Contn. sheet.

WD 066—GPB—30,000—26-7-29

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General and Revenue Secretariat. | File No. 2 of 1929.

Serial No.	
	Draft Subs for appl issue
	Issue
	Govt: N: 2887 dt 28.10.29
	& memo:
	Approves of the amendments proposed.
B.	

NOTE—Contn. sheet.

WD 066—GPB—30,000—26-7-29

G.O 2.29.10 (5

Corrections to Mysore Civil Account Code, Vol.I.

Page 174. Annexure.

Substitute the following for para 6A, inserted by C.S.No.146, dated 19-9-28:-

"6A. The following are the fundamental principles for the guidance and of authorities who have to enter into contracts or agreements they will be carefully observed by all officers who have to enter into such contracts on behalf of Government :-

(1) The terms of a contract must be precise and definite, and there must be no room for ambiguity or misconstruction therein.

(2) As far as possible, legal and financial advice should be taken in the drafting of contracts before they are finally entered into.

(3) Standard forms of contracts should be adopted whenever possible, the terms to be subject to adequate prior scrutiny.

(4) The terms of a contract, once entered into, should not be materially varied without the previous ~~xxxxxx~~ consent of the competent Financial authority.

Govt. ∠

(5) No contract involving an uncertain or indefinite liability or any condition of an unusual character should be entered into without the previous consent of the competent Financial authority.

Govt. ∠

(6) Whenever practicable and advantageous, contracts should be placed only after tenders have been openly invited, and, in cases, where the lowest tender is not accepted, reasons should be recorded.

(7) In selecting the tender to be accepted, the financial status of the individuals and firms tendering must be taken into consideration in addition to all other relevant factors.

(8) Even in cases where a formal written contract is not made, no order for supplies, &c., should be placed without at least a written agreement as to price.

(9) Provision must be made in contracts for safeguarding Government property entrusted to a contractor.

(10) No contracts may be entered into by ~~the~~ officers authorities who have not been empowered to do so. Contracts regarding which there are no definite rules or orders of Government as to conditions, forms, &c.,

(6)

should be entered into, only after obtaining the sanction of Government who will take the necessary legal and financial Advice in each case.

(11) The Audit Department will [have power to examine contracts and to] bring [before] Government any cases where competitive tenders have not been sought, or where high tenders have been accepted, or where other irregularities in procedure have come to light.

The existing detailed rules and regulations on the subject will be examined by the Departments concerned with a view to bring them into conformity, as far as possible, with these principles [and, in cases where no Code or Manual of instructions relating to contracts exists at present, steps should be taken at once to supply the deficiency by preparing a Manual which will give effect in detail to the principles stated above".]

for Comptroller.

23.9.29

G.R.S. App. F VI G-2]

SUBJECT.....

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Diary No. of letter replied to.....

General and revenue Secretariat

( )

the 192 .

Date of issue 28/10/29

Signed by Mr. A.N. Raghavachar

May this be

i Printed ?

ii treated as a standing order ?

iii published in the Gazette, English Part ?

iv translated ?

v placed at the disposal of the press ?

vi published in the Gazette, Kannada Part ?

Section ~~Genl~~

File No. 2 · 29

Serial No. 11

Proceedings of the Government of His Highness the Maharaja of Mysore.

No: H. 2887/Genl Genl

Read—

GO No: H: 1499-55 G/9-7 dt 20-27-11-8-28 sanctioning certain amendments to Mysore Civil Account Code Vol: I.

2. Lr/Sec No: 4100/B dt 24th Sept: 1929 from the Comptr: ~~forwarding for approval~~ suggesting ~~Order Thereon No.~~ further amendment of para 6 A of the Annexure to M.C.A.C. Vol I on the lines of the rules ~~obtaining~~ in ~~British~~ India.

GO: No: H:

~~Approved~~ The amendment as appd is printed as an annexure to this order.

To, The Comptr:

By order &c

H: Secy: to Govt

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PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Read:—

G.O.No.Fl.1499-558/G.F.20-27-17 dated 14th August 1928 sanctioning certain amendments to Mysore Civil Account Code, Volume I.

2. Note No.400/B. dated the 24th September 1929 from the Comptroller, suggesting further amendment of para 6 A of the Annexure to Mysore Civil Account Code, Volume I on the lines of the rules in British India.

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ORDER NO: FL: 2887/G.F.2-29-11/Encl. Case

Dated, Bangalore, the 21st October 1929.
28th

The amendment as approved is printed as an annexure to this Order.

For Financial Secretary to Government.

To

The Comptroller to the Government of Mysore.